

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

CLERK'S OFFICE U.S. DIST. COURT
AT DANVILLE, VA
FED
~~for Roanoke~~
IAN 26 2009
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ROBERT KEITH BUTLER,) **Civil Action No. 7:08-CV-00470**
Petitioner,)
)
v.) **ORDER**
)
TERRY O'BRIEN, WARDEN,) **By: Hon. Jackson L. Kiser**
Respondent.) **Senior United States District Judge**

In accordance with the written memorandum opinion entered this day, it is hereby

ORDERED

that the respondent's motion to dismiss is **GRANTED**; the petitioner's petition for a writ of habeas corpus is **DENIED**; and the case is **STRICKEN** from the active docket of the court.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to the petitioner and counsel of record for the respondent.

ENTER: This 26th day of January, 2009.

Jackson A. Kie
Senior United States District Judge